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October 24, 2005

Via Facsimile to (415) 522-2140

& U.S. Mail

Magistrate Judge James Larson
United States District Court
Northern District of California
450 Golden Gate Avenue – 15th Floor
San Francisco, California 94102



Re: *Moorthy, Riggs & Associates, Inc. v. Norman McIntosh, et al., and related counterclaim (Case No. C04-05115 CW MED)*

Dear Judge Larson:

This office represents defendant Norman McIntosh and defendant/counterclaimant NJ Pursuits in the above-referenced matter in which you are to conduct a settlement conference, currently set for November 1, 2005.

This is to follow-up our letter to you sent via facsimile earlier today.

The parties have now agreed on rescheduling the settlement conference from the currently set date of November 1, 2005 to November 22, 2005.

Counsel for plaintiff Moorthy, Riggs & Associates (“MRA”) advised us this afternoon that November 22, 2005 was the next date you had available after the November 9, 2005 date that MRA’s counsel had proposed in their October 21, 2005 letter to you (and as stated in our letter to you earlier today, we are not available on November 9, 2005), and that November 22, 2005 was acceptable to MRA and its counsel. The November 22, 2005 date is also agreeable to us.

Magistrate Judge James Larson

United States District Court

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The parties therefore respectfully request that settlement conference be rescheduled to November 22, 2005.

Thank you for your attention to this matter.

Very truly yours,

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By:


David L. Ainbender, Esq.
Attorneys for Defendant Norman McIntosh and
Defendant and Counterclaimant NJ Pursuits, Inc.

cc: Jose Cordova (via facsimile)